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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

**MORTGAGE ELECTRONIC
 REGISTRATION SYSTEM, INC., as
 nominee for GMAC Mortgage, LLC
 formerly known as GMAC Mortgage
 Corporation,**

Plaintiff,

v.

**STACEY REINECCIUS, ELAINE
 DIANE STATHAKIS, EMPLOYMENT
 DEVELOPMENT DEPARTMENT -
 STATE OF CALIFORNIA,
 DEPARTMENT OF TREASURY -
 INTERNAL REVENUE SERVICE, and
 DOES 1 through 50 , Inclusive,**

Defendants.

Case No. 3:07-cv-04290-MEJ

**JOINT CASE MANAGEMENT
 STATEMENT AND [PROPOSED]
 ORDER**

Date: November 29, 2007
 Time: 10:00 a.m.

Defendant, Department of Treasury - Internal Revenue Service, United States of America,
 the real party in interest, and California Employment Development Department, submit this case
 Management Statement and Proposed Order and request the Court to adopt it as its Case
 Management Order in this case.^{1/}

DESCRIPTION OF THE CASE

1. A brief description of the events underlying the action:

^{1/}Counsel for the Department of Treasury and State of California were unable to make
 contact with counsel for Plaintiff and Defendant, Stacey Reineccius.

b. Defendants

Plaintiff, Mortgage Electronic Registration System, Inc. Is a mortgage lender in San Francisco. Defendant Reineccius borrowed \$1,000,000 and \$273,000 from GreenPoint Mortgage Funding, Plaintiff's predecessor. The Notice of Federal Tax Lien and State Tax Lien were recorded prior in time. Plaintiff alleges that neither it nor GreenPoint had notice of the federal and state tax liens. Plaintiff alleges that it has priority over both the federal and state tax liens and/or that the doctrine of equitable subrogation should apply.

2. The principal factual issues which the parties dispute:

Defendants are not aware of any factual disputes.

3. The principal legal issues which the parties dispute:

I. The priorities of the parties' interest in the real property and any proceeds derived from the sale of the property.

4. The other factual issues [e.g. service of process, personal jurisdiction, subject matter jurisdiction or venue] which remain unresolved for the reason stated below and how the parties propose to resolve those issues:

Defendants are not aware of any.

5. The parties which have not been served and the reasons:

Defendants are not aware of any.

6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder:

Defendants are not aware of any.

7. The following parties consent to assignment of this case to a United States Magistrate Judge for [court or jury] trial:

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b. Defendants

Defendants United States of America and State of California, Employment Development Department consent to assignment to a United States Magistrate for trial.

ALTERNATIVE DISPUTE RESOLUTION**8. Please indicate the appropriate responses.**

☐ The case was automatically assigned to Nonbinding Arbitration at filing and will be ready for the hearing by (date) _____.

Not applicable.

☐ The parties have filed a Stipulation and Proposed Order Selecting an ADR Process (specify process): _____.

Not applicable.

☐ The parties filed a Notice of Need for ADR Phone Conference and the phone conference was held on or is scheduled for _____.

Not applicable.

☐ The parties have not filed a Stipulation and Proposed Order Selecting an ADR Process and the ADR process that the parties joint request [or a party separately requests] is _____.

Not applicable.

9. Please indicate any other information regarding ADR process or deadline.**a. Parties**

Defendants believe this case is susceptible to resolution on motion for summary judgment. Consequently, they do not believe that assignment to an ADR process at this time would be appropriate. In the event the Court denies the United States' Motion, the United States will promptly advise the Court as to its request for assignment to an appropriate ADR process.

DISCLOSURES

10. The parties certify that they have made the following disclosures [list disclosures of persons, documents, damage computations and insurance agreements]:

The parties agree that the initial disclosures will be made on or before the case management conference or within a reasonable time thereafter.

DISCOVERY

11. The parties agree to the following discovery plan [Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]:

a. Parties

Defendants were unable to confer with all parties regarding discovery but will attempt to do so prior to the case management conference and propose a discovery plan at that time.

TRIAL SCHEDULE

12. The parties request a trial date as follows:

Defendants were unable to confer with all parties regarding discovery but will attempt to do so prior to the case management conference and propose a trial date at that time.

13. The parties expect that the trial will last for the following number of days:

Not applicable at this time.

Respectfully submitted,

SCOTT SCHOOLS
United States Attorney

Dated: November 21, 2007 : /s/ Cynthia Stier
CYNTHIA STIER
Assistant U.S. Attorney

Attorneys for the United States of America

Dated: November 21, 2007 : /s/ Marguerite Stricklin
MARGUERITE STRICKLIN
California State Attorney General's Office
Attorney for State of CA EDD

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CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order.

In addition the Court orders:

Dated: _____

THE HONORABLE MARIA-ELENA JAMES
UNITED STATES MAGISTRATE

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